



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/664,383	09/18/2000	Tomohiro Gomi	35.C14803	4743

5514 7590 05/06/2004

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

PHAM, THIERRY L

ART UNIT	PAPER NUMBER
----------	--------------

2624

DATE MAILED: 05/06/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/664,383

Applicant(s)

GOMI, TOMOHIRO

Examiner

Thierry L Pham

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-56 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Oath/Declaration

Response to defective/unsigned Declaration have been received and acknowledged and entered in paper no. 2.

Specification

1. The disclosure is objected to because of the following informalities: The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested: "Printing System for printing interrupt jobs".

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6, 15-20, 29-34, 43-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Gauronski et al (U.S. 5206735).

Regarding claim 1, Gauronski discloses an information processor (scanner/controller, fig. 2) which can communicate with a printer (printer, fig. 2), comprising:

Art Unit: 2624

- (1) generation means (scanner, fig. 2) for generating a print job (image files/print jobs, col. 3, lines 55-67 and col. 5, lines 18-50) to be processed by said printer;
- (2) instruction means (interrupt instructions for job interrupts, col. 6, lines 18-55 and col. 7, lines 4-22) for instructing said print job to be interrupt printed by said printer;
- (3) detection means (controller, fig. 2) for detecting that said print job instructed by said instruction means to be interrupt printed has not been interrupt printed (the interrupt job cannot be performed because parameters of interrupt print job are not available at the printer, col. 7, lines 29-36), based on information from said printer; and
- (4) notification means (display messages via user interface/display unit, figs. 1 & 5B, col. 7, lines 29-38) for notifying the user that said print job has not been interrupt printed (a message indicates the interrupt jobs cannot be performed because parameters of interrupt print job are not available at the printer, col. 7, lines 29-36), based on information received by said detection means.

Regarding claim 2, Gauronski further discloses the processor according to claim 1, wherein said notification means causes a display unit to display (display unit and/or user interface, figs. 1 & 5B, col. 7, lines 29-38) that said print job has not been interrupt printed.

Regarding claim 3, Gauronski further discloses the processor according to claim 2, wherein said notification means causes said display unit to display an icon (col. 4, lines 5-16 and col. 7, lines 29-38) indicating that said print job has not been interrupt printed.

Regarding claim 4, Gauronski further discloses the processor according to claim 1, wherein said detection means receives from said printer some information (a message indicates interrupt job is prohibited because lack of available parameters at the printer, col. 7, lines 29-38) indicating that said print job instructed by said instruction means to be interrupt printed has not been interrupt printed.

Art Unit: 2624

Regarding claim 5, Gauronski further discloses the processor according to claim 1, wherein said detection means receives some information indicating that an interrupt print of a print job has failed (col. 7, lines 29-38) and the owner of said print job and determines whether the owner of said print job is the user to detect (a message displaying via User Interface to the owner/operator indicates interrupt jobs are not printed, col. 7, lines 29-60) that said print job instructed by said instruction means to be interrupt printed has not been interrupt printed.

Regarding claim 6, Gauronski further discloses the processor according to claim 1, wherein said notification means notifies the user that said print job has not been interrupt printed but normally printed (interrupt job resumes, col. 6, lines 18-27 and col. 7, lines 4-60).

Regarding claims 15-20: Claims 15-20 are the method claims corresponding to the apparatus claims 1-6 (respectively). The methods are inherent and included by the operation of the apparatus. Please see claims rejection basis/rationale as described in claims 1-6 above.

Regarding claims 29-34: Claims 29-34 correspond to claims 1-6 except computer readable memory medium for storing program is claimed rather than printing system or data output apparatus. All computers have some type of computer readable memory medium (RAM, fig. 5B) for storing computer programs, hence claims 29-34 would be rejected using the same rationale as in claims 1-6.

Regarding claims 43-48: Claims 43-48 correspond to claims 1-6 except computer readable memory medium for storing program is claimed rather than printing system or data output apparatus. All computers have some type of computer readable memory medium (RAM, fig. 5B) for storing computer programs, hence claims 43-48 would be rejected using the same rationale as in claims 1-6.

Art Unit: 2624

4. Claims 7, 9-14, 21, 23-28, 35, 37-42, 49, and 51-56 are rejected under 35 U.S.C. 102(e) as being anticipated by Yoshida et al (U.S. 6130757).

Regarding claim 7, Yoshida discloses a print controller (server apparatus/managing unit, col. 3, lines 1-17 and Abstract) which can process print jobs from a plurality of information processors (clients connecting via LAN network, col. 4, lines 17-30), comprising:

- (1) interrupt means (print jobs with higher priority, abstract, col. 3, lines 1-17 and col. 18, lines 6-47) for suspending the print operation for a print job and executing an interrupt print of another print job according to an instruction for interrupt print;
- (2) determination means (CPU 103 of server apparatus, col. 18, lines 6-47) for determining whether said interrupt print is being executed by said interrupt means; and
- (3) decision means (CPU 103 of server apparatus, col. 18, lines 15-47) for, in response to reception of an interrupt-instructed print job, deciding (CPU 103 decides the priority of print job received from the clients, cols. 17-18) whether a received print job is interrupt printed (CPU 103 determines whether the interrupt job is printed or not, col. 18, lines 7-27), based on the determination result from said determination means.

Regarding claim 9, Yoshida further discloses the controller according to claim 7, wherein execution of multiple interrupts (multiple interrupts, figs. 10-11, col. 19, lines 34-39) means that an interrupt print is further executed while a previous interrupt print is being executed by said interrupt means (interrupt prints with highest priority are being printed first, col. 18, lines 7-47).

Regarding claim 10, Yoshida further discloses the controller according to claim 7, wherein said print controller is a print controller for said printer (copy machines with printing function are connecting with server apparatus via LAN network, fig. 1, col. 4, lines 16-51 and col. 18, lines 8-47).

Art Unit: 2624

Regarding claim 11, Yoshida further discloses the controller according to claim 7, wherein said print controller is a print controller for a device having a copy function (copy machine connects with server apparatus via LAN network, fig. 1, col. 4, lines 16-51 and col. 18, lines 8-47).

Regarding claim 12, Yoshida further discloses the controller according to claim 7, further comprising transfer means for transferring to an information processor some information indicating (printing statuses, figs. 10-11, col. 11, lines 10-44) that an interrupt print of a received print job has failed (if the interrupt job includes finishing function, i.e., sorting, then the interrupt job is not possible; a SUSPENDED display message via the display unit, figs. 10-11, col. 18, lines 12-20 and col. 11, lines 10-44) if it is decided that said received print job is not interrupt printed.

Regarding claim 13, Yoshida further discloses the controller according to claim 7, wherein a received print job is processed in normal order if it is decided that said received print job is not interrupt printed (continues to process and print the current job if the interrupt job is not possible, col. 18, lines 13-20).

Regarding claim 14, Yoshida further discloses the controller according to claim 13, further comprising transfer means for transferring to an information processor some information (printing statuses, figs. 10-11, col. 11, lines 10-46) indicating that a received print job is processed in normal order (processes and prints the current job if the interrupt job is not possible, col. 18, lines 13-20) if it is decided that said received print job is not interrupt printed.

Regarding claims 21, 23-28: Claims 21, and 23-28 are the method claims corresponding to the apparatus claims 7, 9-14 (respectively). The methods are inherent and included by the operation of the apparatus. Please see claims rejection basis/rationale as described in claims 7, 9-14 above.

Art Unit: 2624

Regarding claims 35, 37-42: Claims 35, 37-42 correspond to claims 7, 9-14 (respectively) except computer readable memory medium for storing program is claimed rather than printing system or data output apparatus. All computers have some type of computer readable memory medium (RAM, fig. 4) for storing computer programs, hence claims 35, 37-42 would be rejected using the same rationale as in claims 7, 9-14.

Regarding claims 49, and 51-56: Claims 49, and 51-56 correspond to claims 7, 9-14 (respectively) except computer readable memory medium for storing program is claimed rather than printing system or data output apparatus. All computers have some type of computer readable memory medium (RAM, fig. 4) for storing computer programs, hence claims 49, and 51-56 would be rejected using the same rationale as in claims 7, 9-14.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8, 22, 36, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida as described in claims 7, 21, 35, and/or 49 above, and in view of Gauronski (U.S. 5206735).

Regarding claim 8, Yoshida does not explicitly disclose a controller further comprising prohibition means for prohibiting multiple interrupts, wherein said decision means decides that a received print job is not interrupted print if multiple interrupts are prohibited by said prohibition means.

Gauronski, in the same field of endeavor for interrupt prints, teaches a controller further comprising prohibition means for prohibiting multiple interrupts (multiple

Art Unit: 2624

interrupts are prohibited/restricted, col. 7, lines 38-60), wherein said decision means decides that a received print job is not interrupted print (the next interrupt print job is restricted such that it will be placed in print queue immediately after the previously programmed interrupt job, col. 7, lines 38-67) if multiple interrupts are prohibited by said prohibition means.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Yoshida as per teachings of Gauronski because of a following reason: (1) allowing the first interrupt job to be completed before printing the next interrupt job; therefore, improving operating efficiency of the interrupt printing system.

Therefore, it would have been obvious to combine Yoshida with Gauronski to obtain the invention as specified in claim 8.

Regarding claim 22: Claim 22 is the method claim corresponding to the apparatus claim 8. The methods are inherent and included by the operation of the apparatus. Please see claims rejection basis/rationale as described in claim 8 above.

Regarding claims 36 and 50: Both claims 36 and 50 correspond to claim 8 except computer readable memory medium for storing program is claimed rather than printing system or data output apparatus. All computers have some type of computer readable memory medium (Yoshida, RAM, fig. 4) for storing computer programs, hence claims 36 and 50 would be rejected using the same rationale as in claim 8.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L Pham whose telephone number is (703) 305-1897. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K Moore can be reached on (703)308-7452. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thierry L. Pham

March 31, 2004



GABRIEL GARCIA
PRIMARY EXAMINER